

LYNDON CITY COUNCIL  
REGULAR MEETING MINUTES OF  
SEPTEMBER 7, 2010

The Lyndon City Council met in regular session on Tuesday, September 7, 2010, 7:30 p.m., at City Hall.

Members Present: Bill Patterson, Kay Jones, Wayne Howard, Brandon Smith, Doug Watson  
Mayor Jeff Bronson, City Attorney Pat Walsh (8:10)  
and City Clerk Barbara Schattak

Others Present: Peggy Clark, Laura Moore, Jarret Schneidewind, Kirsten Crummey,  
Courtney VandeVelde of the Drug Free Osage County Youth Coalition  
Phyllis Fischer, Debbie Martin, Kathy Evans, Dave McKissick with Café  
Thyme  
Robert Hutchcroft, Boy Scouts  
Dave Wilson, Maintenance Superintendent  
Darrel Manning, Chief of Police/Zoning Administrator

Mayor Bronson called the meeting to order. A motion was made by Howard to approve the regular minutes of August 16, 2010, special meeting minutes of August 24, 2010 and the special meeting minutes of August 25, 2010 as amended. Watson seconded the motion, which carried.

DRUG FREE COUNTY YOUTH COALITION members and their sponsors introduced themselves to council and presented a short three minute video of interviews with business persons in the area as to why Jones Park should be considered a smoke free zone at games. After viewing of the video the council was asked if they would consider passing an ordinance making the game areas smoke free. It was noted the school had designated the football field as smoke free and it was felt it would not be unreasonable to have the park smoke free except in the parking area. Later on in the meeting it there was discussion about possibly making both parks smoke free except in the parking lots. It was the consensus of the council to have City Attorney Pat Walsh draft an ordinance designating Jones Park as smoke free near games and allow smoking to only be in the parking lot. The matter was tabled to the next meeting.

CAFÉ THYME owners, Phyllis Fischer, Debbie Martin, Kathy Evans and Dave McKissick asked the council to reconsider allowing them to use their existing septic system for their restaurant until sewer lines were built along the east side of 75 Highway. It was reported they will be using a grease trap before water gets to the septic system and the system will be manually maintained. Darrel Manning, Zoning Administrator, stated the owners will need to file another building permit as it has been over a year since their last one was filed and they could apply for a special use permit until a sewer main is available to them. The owners reported they have not visited with KDHE to date as they are starting over and wanted to visit with the council first. After further discussion, a motion was made by Patterson to waive the building permit fee once the permit was filed. Howard seconded the motion, which carried.

BOY SCOUTS #107 Scoutmaster Robert Hutchcroft reported this is the first year in a long time there has been a Boy Scout troop in Lyndon of which 12 boys are members. In order for them to

become Eagle Scouts they will need to perform community service work. Mr. Hutchcroft reported the boys would like to either build benches for the baseball diamonds or erect a flag pole by the Lions shelter house. After some discussion, it was the consensus of the council for the Boy Scouts and Mr. Hutchcroft to work with Dave Wilson.

**APPROVAL OF BILLS:** Vouchers for payment of August expenses were presented. A motion was made by Patterson to pay accounts as set forth. Jones seconded the motion, which carried.

**WEBSITE:** City Clerk Barb Schattak reported she has visited with Holy Fish Designs and was informed they would be sending her a rough draft of the website. Barb also reminded council members to send her any pictures they may have taken for the website so they can be forwarded to the developer. The matter was tabled.

**RWD #1:** An updated contract has been received from Richard Hines, attorney for the City, to be reviewed by the council and the RWD's attorney Delton Gilliland. Patterson suggested there be an addition to the wording in Section 3 of the agreement to state "customers shall be treated as metered out of town customers as per Ordinance No. 760, Section B." After reviewing the contract it was also noted the District needs to provide a list of their assets to the City and detailed information on the meters such as how old they are. City Clerk Barb Schattak will contact Mr. Hines. The matter was tabled.

**COMMUNITY CENTER SIGN:** City Clerk Barb Schattak asked the council since the new logo has been approved should it be sent to Frank Burkdoll to start work on a new sign. Mayor Bronson voiced concerns about the existing sign not meeting zoning codes which Darrel reported did not meet compliance with the current regulations. Darrel also noted the Planning & Zoning Commission is currently working on revising the regulations. Dave Wilson reported the wood on the sign is also in need of repair. After some discussion, it was the consensus of the council to send the new logo to Frank and to ask for another quote, the matter was tabled. Barb will notify Frank by letter.

**BAILEY HOUSE:** Each council member was given a copy of a letter from the Kansas Historical Society stating the Bailey House has been placed on the Register of Historic Kansas Places. Jones reported Peggy Clark is researching criteria for the Heritage Grant; Peggy indicated to Jones she knows an individual or a firm who deals in preservation of old buildings. The City will need to describe to the State how the structure would be repaired. Concerns were voiced about placing the Bailey House on the registry before knowing the cost of repairs; Jones reported if the building cannot be fixed or repairs are too costly the City can petition to have the Bailey House removed from the registry. After further discussion, Jones stated she will visit with Ms. Clark in order to keep the council informed.

**ADDITIONAL SEWER WORK:** Received correspondence from KC Construction reporting they are still waiting on one of the four reels of lining to do the additional work and plan to be in the area the week of September 6<sup>th</sup> or 20<sup>th</sup>. City Clerk Barb Schattak reported she will be in contact with Rance Walker with KDHE to obtain assistance in filing for revolving loan funds for the additional sewer work which is forthcoming. Dave Wilson reported he has not heard from them this week; KCCI will be slip-lining five blocks of sewer main when they are in town.

GROFF & BERRY: City Clerk Barb Schattak presented a letter to the city auditor, Groff and Berry, stating all records were accessible during the audit of the 2009 records. A motion was made by Smith to authorize Mayor Bronson to sign the letter on behalf of the City. Howard seconded the motion, which carried.

LKM VOTING DELEGATE: City Clerk Barb Schattak will not be attending the League of Kansas Municipalities Conference in October and asked the council if any of them would like to attend; she would be happy to register members to go, if so, the League has asked for a voting delegate for the meeting to be appointed. After some discussion, it was the consensus of the council to not declare a delegate as no one would be attending the conference.

BUILDING PERMITS: Presented application for a sign submitted by Jackie Regenold of Trinkets & Treasures, 607 Topeka. The application has been approved by Zoning Administrator, Darrel Manning and is on file at City Hall.

Presented application for an accessory structure submitted by Robert Rissen, 910 Topeka, for a patio extension. The application has been approved by Zoning Administrator, Darrel Manning and is on file at City Hall.

Presented application for an accessory structure submitted by Lyndon Recreation Commission, Jones Park, for batting cages. The application has been approved as amended by Zoning Administrator, Darrel Manning and is on file at City Hall.

MAINTENANCE: Dave presented each member with a list of activities maintenance has completed since the last meeting.

Dave reported his crew has cut a ditch in the alley between Romine's and the Library to relieve the water runoff going east and are still working on it. Mayor Bronson inquired if Dave plans to do the same in the 500 Block of Washington; Dave stated yes.

Patterson noted citizens have asked about the crosswalks needing painted; Dave reported he has the paint ordered and will paint once the weather has cooled down.

Dave stated the roads have been splitting, even some of the recently completed ones; he has contacted Killough Construction who will come in and repair them. Killough will also present a bid to repair the other asphalted streets needing sealed. There was discussion of the possibility of purchasing used equipment through the state in the future so asphalted roads could be sealed by the city crew. Watson also asked if the city had an air compressor to clean the cracks before they are repaired; Dave stated no.

Watson asked if the city maintenance had trimmed his trees or had the State; Dave reported his crew trimmed the trees for visibility. Smith asked if the City trims trees around the streetlights in town; Dave reported Kansas City Power & Light hires a company to trim trees around their lines and lights.

Dave asked the Mayor who he may visit with at the State Curb Assistance to get sand removed along the upper portion of 75 Highway; Mayor Bronson gave the name Dave Studebaker.

Concern was voiced by Dave regarding a resident placing trees and fence posts close to the edge of the street indicating this is where his property line is located making it impossible to grade the road. Darrel has notified the resident by letter on July 15<sup>th</sup> and invited him to come and visit with the council regarding the matter and also visited with him to no avail. Darrel and Dave reported the resident has stated to them the road is on his property and the City needs to move their road. City Attorney Pat Walsh stated the City needs to find where their street easement is located. After further discussion, it was the consensus of the Council for the city clerk to contact Bruce Boettcher of BG Consultants, our on call engineer, to have a survey completed to determine the road right of way on 13<sup>th</sup> and Monroe Streets. The matter was tabled.

Dave noted Valleybrook Township has not contacted anyone regarding the roads shared with the City by the new subdivision and asked if an agreement has been made with the township. Dave has a copy of a draft agreement which was generated by Larry; Dave can make copies for the council if they would like to review it again. After some discussion, it was the consensus to wait until the township came back to the City.

Dave asked if the pool is now officially closed for the season; Barb indicated it is.

POLICE: Darrel Manning, Chief of Police, presented a Police Activity Report for council's review. Discussed motorized scooters needing to be driven on city streets; Darrel stated they are to be driven by a licensed driver.

CITY CLERK: Each council member was given a copy of the Public Wholesale Water Supply District No. 12 minutes of August 18, 2010; a Kansas Government Journal and miscellaneous correspondence not needing an action.

Reported Jackie Regenold of Trinkets and Treasures called today to say her grand opening would be held October 16, 2010 which is a Saturday. Barb will be working with her regarding a ribbon cutting ceremony; will keep the council informed.

Barb reported on August 31<sup>st</sup> there was a FEMA meeting at the Community Center she attended regarding the rains on June 8<sup>th</sup> which caused damage. Barb is working with FEMA to see if the City can get some assistance. Barb will keep the council up to date on the matter.

CITY ATTORNEY: At 9:20 p.m. a motion was made by Watson to recess to executive session to discuss a matter of attorney-client privilege for 35 minutes. Patterson seconded the motion, which carried. The governing body reconvened at 9:55 p.m. No action was taken.

GOVERNING BODY COMMENTS: Patterson stated he read an article in the Emporia Gazette about Camp Chippewa receiving a FEMA grant for tornado shelter and a recreation room right beside it which is 75% from FEMA and 25% to be picked up by the local entity which the Jones Fund donated. After some discussion, Patterson stated he would get more information. The matter was tabled.

Howard inquired if another full time clerk needed to be hired since the new City Administrator would not be on duty for a few more months. After some discussion, it was the consensus to keep the staff as is.

Howard also inquired if the Council wanted to pay Barb for her excess annual leave she has not been able to use it and her anniversary date is nearing. Mayor Bronson instructed Barb to set a time for some leave to be taken and he would visit with office staff about both being on duty while she is gone.

Jones reported the Community Business Women group would like to adopt the flower bed at City Park. She has visited with Dave about turning on water near the flower bed and he stated it would not be a problem. After some discussion, it was the consensus of the council to allow CBW to adopt the flower bed.

Jones asked about the welcome basket letter which was touched on at the last meeting. Barb gave each member a copy of the letter which was drafted. After some corrections, it was the consensus of the council for Barb to send out the letter to all businesses, the school and the Recreation Commission.

Jones asked if there were any leftover concessions at the pool; Barb reported there is hardly anything left but 3 cases of pop as ordering had quit by mid-July.

Watson asked if the City can send thank you notes to individuals who kept up the flower pots along the highway. Smith also asked if Tim Hays could also receive a letter of appreciation for sprucing up the vacant lot.

Watson asked if the street light by the T-ball field had been turned in; Darrel indicated it had.

Dave Wilson reported he has been approached by an individual to do community service work for the City to complete a probation requirement. After some discussion, Barb was asked to check with the insurance company. The matter was tabled.

At 10:30 p.m. a motion was made by Patterson for adjournment to Monday, September 20, 2010, at 7:30 p.m. Howard seconded the motion, which carried.

A handwritten signature in cursive script, reading "Barbara Schattak".

Barbara Schattak  
City Clerk